REMARKS

Favorable reconsideration of the application is respectfully requested in light of the remarks herein.

Upon entry of these remarks, claims 1-29, 34, and 35 will be pending. No claims have been amended or deleted. No new matter has been added.

§103 Rejection of Claims 1-29 and 34-35

In section 3 of the Office Action dated May 17, 2007 ("the Office Action"), claims 1-29 and 34-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fenton *et al.* (U.S. Patent Publication No. 2002/0194195; hereinafter referred to as "Fenton") in view of Lai *et al.* (U.S. Patent Publication No. 2004/0032348; hereinafter referred to as "Lai").

The Applicants in the response to the Office Action dated December 1, 2006, where the Examiner rejected claims 1-29 and 34-35 under 35 U.S.C. §102 as being unpatentable over Fenton *et al.* (U.S. Patent Publication No. 2002/0194195), argued that Fenton does not describe all of the limitations in claim 1. In fact, Applicants' argument specifically addressed and distinguished the limitations in Fenton with respect to claim 1 which now form the basis of the current 103 rejection. While the Examiner partially addressed the Applicants' argument distinguishing Fenton from claim 1, the Examiner either overlooked or was unaware of the most relevant aspects of the argument that overcome and distinguish Fenton from claim 1.

In particular, the Examiner only addressed the following limitation below which the Examiner claims is disclosed in Lai:

> wherein a type of media items selected for the first type and the second type includes:
> a format, a bit rate, a communication protocol, digital rights management information associated with media items, and an

encoding type and compression technique used to reduce the
physical size of the media items;

Since the rest of the arguments made by the Applicants were not addressed by the Examiner, the

Applicants are obliged to present those same arguments for the Examiner's review.

Applicants assert that Fenton does not disclose all of the limitations in claim 1. Further,

Fenton and Lai, individually or in combination, fail to disclose all of the limitations in claim 1.

In the Background section of the Specification, it was disclosed that "[t]he rapid

publication of media content is desirable for publishers intent on delivering media content faster

to larger audiences. The digital representation of media content combined with computing and

networking technologies now provide a powerful way to publish. ... Digital representations of

media content come in different types. These types are generally defined according to a series of

publishing variables which can include, but are not limited to, the file format, bit rate,

communication protocol(s), physical medium, compression algorithm, and/or digital rights

management information associated with the media content. The type of digitized media content

used will depend upon a number of factors, such as, the computing and/or networking

technology used in the process of publishing and the nature of the content itself. ... Digitized

media content types can also be categorized according to the type of encoding or compression

technique that is used to reduce the physical size of the media content, or according to the type of

physical medium that supports the storage of the media content. ... The emergence of a growing

number of media players has created a widening gap between the richness of the various types of

media content and the diverse capabilities of the client devices to handle the content. As a result,

the technology selection process for the end user has become quite complicated." *Background of*

the Specification, page 1, line 14 to page 2, line 11.

To address the above-stated problem, embodiments of the present invention provide systems and methods for providing a hierarchical repository implemented as one or more storage devices. In one implementation, each type of media item is stored in a respective storage device (e.g., JPEG images on one storage device, MP3 files on a second storage device, streaming media on another storage device, and so on).

For example, the structure of a repository system for media publishing recited in claim 1 includes:

> *a plurality of storage devices* configured to store a plurality of media items, the plurality of storage devices including a first storage device and a second storage device,
>
> **the first storage device** configured to store <u>a first type of media items</u>, and
>
> **the second storage device** configured to store <u>a second type of media items different from the first type of media items</u>; and
>
> wherein <u>a type of media items</u> selected for the first type and the second type includes:
>
>> a format, a bit rate, a communication protocol, digital rights management information associated with media items, and an encoding type and compression technique used to reduce the physical size of the media items; and
>
> *metadata information* relating to the plurality of media items stored in said plurality of storage devices,
>
> wherein said metadata information enables hierarchical organization of the plurality of media items so that the media items are easily accessed, moved, added, and deleted.

(emphasis added)

Accordingly, in one aspect of claim 1, the plurality of storage devices includes a first storage device and a second storage device, wherein the first storage device is configured to store

a first type of media items, and the second storage device is configured to store a second type of media items different from the first type of media items to provide more efficient organization and easy processing.

By contrast, "asset packs" (described in Paragraph [0050]) in Fenton appear to address different categories of media contents such as 'comedy' and 'action'. Further, it appears the Fenton's "asset pack" may include more than one "type" of media content since it is stated in Paragraph [0050] that "a 'comedy' asset pack may comprise video and/or audio segments of explosions, car chases, and gun battles." It appears Fenton's "asset packs" are categorized for a purpose other than the purpose for which each type of media items are stored in a different storage device. Therefore, it appears Fenton's "asset packs" are configured differently from the configuration of the types of media items in the embodiments of the present invention.

Further, even assuming that Fenton's "asset packs" are configured similarly to the configuration of the types of media items, Fenton does not appear to describe anything about storing different asset packs in separate storage devices. For example, the Office Action references paragraphs [0043], [0050], and [0091] of Fenton (i.e., *[0043] All media content items on the site, from whatever source, may be associated with "meta-data" (i.e., descriptive data regarding the media content items that may be entered by the user or website administrators), which may be used to organize and manage the media content items. Media content search and guide functions may be implemented using this meta-data. The user can search for media content items on the website based on certain criteria, such as, but not limited to, media content item type, media content item keywords, and the media content item creator. ... [0050] When a user chooses to "create" media content, the user may be provided access to media creation and editing tools to create and/or edit media content. The user may also be provided with digital*

assets in the form of one or more "asset packs." These asset packs may contain, for example,

video, audio, and animation segments that may be incorporated into or combined with the user's

own media content. For example, each asset pack may comprise audio and video segments

related to a particular genre. As an example, an "action" asset pack may comprise video and/or

audio segments of explosions, car chases, and gun battles. Similarly, a "comedy" asset pack may

comprise video and/or audio segments of stand-up comedians, skits from television and radio

shows, and scenes from comedy films. As an additional example, a "music" asset pack may

contain video and/or audio segments of music being played by popular musical groups. Using

media creation and editing tools, the user may then insert this video, animation, audio and other

digital media into, for example, pre-defined templates and timelines. ... [0091] An exemplary

stash manager page 900 is shown in FIG. 9. The user's user name may appear in text area 902

of stash manager page 900. Text area 902 may be static (i.e., there may be no functionality

associated with the text). In some embodiments, the user name may be selected by the user at

registration. The stash manager page 900 may list the contents of the user's stash in a directory

format.) in indicating that Fenton discloses storing different asset packs in separate storage

devices. However, none of these paragraphs appear to describe anything about storing different

asset packs in separate storage devices.

　　Based on the foregoing discussion, claim 1 should be allowable over Fenton in view of

Lai. Since independent claims 15, 29, 34, and 35 recite similar limitations as recited in claim 1,

claims 15, 29, 34, and 35 should also be allowable over Fenton. Further, since claims 2-7, 9-14,

and 16-28 depend from one of claims 1 and 15, claims 2-7, 9-14, and 16-28 should also be

allowable over Fenton.

　　Accordingly, it is submitted that the rejection of claims 1-29, and 34-35 based upon 35

U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.
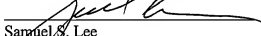
Conclusion

In view of the foregoing, applicants respectfully request reconsideration of claims 1-29, 34, and 35 in view of the remarks and submit that all pending claims are presently in condition for allowance.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

Respectfully submitted,

Dated: _____8-16-07_____   By: _____

Samuel S. Lee
Reg. No. 42,791

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900